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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 HANSEL BITANGA LOPEZ,
15 Defendant.

Case No. 2:20-mj-00141-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
17 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
18 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
19 and Brian Pugh, Assistant Federal Public Defender, counsel for Hansel Bitanga Lopez, that the
20 bench trial currently scheduled on October 21, 2020 at 9:00 a.m., be vacated and continued to
21 November 9, 2020 at 9:00 am.

22 This Stipulation is entered into for the following reasons:

- 23 1. Counsel for the defendant needs additional time to conduct investigation in this
24 case and prepare for trial.
25 2. The defendant is not in custody and agrees with the continuance.
26 3. The parties agree to the continuance.

1 4. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice. The additional time requested by this Stipulation is excludable in
3 computing the time within which the trial herein must commence pursuant to the Speedy Trial
4 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
5 18, United States Code § 3161(h)(7)(B)(iv).

6 This is the second request for a continuance of the bench trial.

7 DATED this 08 day of October 2020.

8
9 RENE L. VALLADARES
10 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

11 By /s/ Brian Pugh

12 BRIAN PUGH
13 Assistant Federal Public Defender

By /s/ Rachel Kent

RACHEL KENT
Special Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 HANSEL BITANGA LOPEZ,

7 Defendant.

Case No. 2:20-mj-00141-BNW

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant needs additional time to conduct investigation in this
14 case and prepare for trial.

15 2. The defendant is not in custody and agrees with the continuance.

16 3. The parties agree to the continuance.

17 4. Additionally, denial of this request for continuance could result in a
18 miscarriage of justice. The additional time requested by this Stipulation is excludable in
19 computing the time within which the trial herein must commence pursuant to the Speedy Trial
20 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
21 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

22 This is the second request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, October 21, 2020 at 9:00 a.m., be vacated and continued to November 9, 2020 at 9:00 am.

DATED this 14th day of October 2020.



UNITED STATES MAGISTRATE JUDGE